

REMARKS

Claims 1, 7, 13, 17, 22, and 33, have been amended. Claims 38 and 39 have been added. Claims 1-39 therefore are pending and presented for review. Favorable reconsideration and allowance are requested in light of the foregoing amendments the remarks which follow.

1. Interview Summary

Applicant and applicant's undersigned representative wish to thank Examiner Ahmed for his courtesy during the personal interview of May 22, 2006. During this interview, applicant's representative proposed to amend the claims as now amended and explained why he felt the amendment to claim 7 overcame the objection to that claim. He also explained why he felt that the amendments to claims 1, 13, and 17 overcame the rejections based on Weikl. Applicant's representative further proposed to amend claims 22 and 33 as now amended to address a latent ambiguity in those claims to the extent that they could have been construed to require a single slit. As amended, they now more properly cover devices having one or more slits. Examiner Ahmed indicated that all of the amended claims would appear to be allowable over the cited Weikl reference.

2. Objection to the Specification

The Examiner correctly noted that the numbering of the claims is improper because claim 7 depends from itself. Claim 7 has been amended to depend from claim 6, thereby obviating this objection.

3. Rejections Based on Prior Art


All claims stand rejected over the prior art to Weikl considered alone, or, as it is the case with respect to claims 17-21 and 33-37, in combination with Gellman. As agreed upon during the interview, these rejections cannot be sustained with respect to the amended claims because the weakened sections of the most pertinent catheter introducer disclosed in Weikl, seen in Figure 6, lack alternating weakened segments and strengthened segments including a distal-most segment that is strengthened when compared to the weakened segments 17 but weakened when compared to circumferentially adjacent section of the expandable tip. As discussed during the interview, the claimed characteristic of the distal-most strengthened segment renders the introducer sufficiently fragile to split upon passage of a larger diameter instrument yet sufficiently strong to withstand peeling or buckling during operation of the inserter. Examiner Ahmed agreed that the cited Weikl reference lacked this combination of characteristics. Hence, withdrawal of the prior art rejections is believed to be in order and is respectfully requested.

4. Summary

In light of the foregoing, withdrawal of all rejections and allowance of the application are believed to be in order and are respectfully requested. Should the Examiner have any remaining questions the attending to of which would expedite such action, he is requested to contact the undersigned at the telephone number appearing below.

The Director is authorized to charge Deposit Account No. 50-1170 the amount of \$110 in payment of 1) the government filing fee by a *small* entity for a one-month extension of time, which Applicant hereby requests, and 2) two additional claims in excess of 20. No additional fee is believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



Timothy E. Newholm
Registration No. 34,400

Date: May 26, 2006

Customer Account No.: 23598

BOYLE FREDRICKSON NEWHOLM
STEIN & GRATZ, S.C.
250 Plaza, Suite 1030
150 East Wisconsin Avenue
Milwaukee, WI 53202
Telephone: (414) 225-9755
Facsimile: (414) 225-9753
Attorney Docket No.: 155.015